

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE NO. 376 OF 1984

For Approval of Signature :

Hon'ble MR. JUSTICE B.C. PATEL and Sd/-

MR. JUSTICE R.R. JAIN Sd/-

- 
1. Whether Reporters of Local Papers may be allowed to see the judgments ? No
  2. To be referred to the Report or not ? No
  3. Whether Their Lordships wish to see the fair copy of the judgment ? No
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any Order made thereunder ? No
  5. Whether it is to be circulated to the Civil Judge ? No
- 

Appearance :

Mr B.J. Shelat for M/s R.P Bhatt & Co., for the Applicant.

Mr D.A. Mehta, Mr R.K. Patel and Mr B.D. Karia, Advocates for the Respondent.

-----

Coram : B.C. Patel & R.R. Jain, JJ.

Date of Decision : 26th July, 1996

Oral Judgment : (Per B.C. Patel, J.)

The Tribunal has referred the following questions for opinion of this Court.

- "1. Whether, on the facts and in the circumstances of the case, the assessee was entitled to claim exemption u/s. 11 of the I.T. Act, 1961 in respect of the contribution of Rs. 80,000/- made to Nirmala Bakubhai Foundation ?"
2. Whether, on the facts and in the circumstances of the case, the Tribunal was right in holding that the interest received by the

assessee on fixed deposits made with Shahibaug Entrepreneurs P. Ltd. covered u/s. 13 (2)(a) of the Act and therefore, the assessee's claim for exemption u/s. 11 of the I.T. Act, 1961 was not affected."

2. The questions referred are covered by the decision rendered by this Court today in Income Tax Reference No. 161 of 1984, and therefore, the questions are required to be answered in favour of the assessee and against the revenue. Accordingly we answer the questions with no order as to costs.

\*\*\*\*\*